

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

NEIL FULLMER, an incapacitated  
person by and through his  
conservator, DOUGLAS FELLOWS;

Plaintiff,

v.

SAMARITAN HEALTH SERVICES, INC.,  
dba SAMARITAN COASTAL CLINIC, an  
Oregon corporation; SAMARITAN  
NORTH LINCOLN HOSPITAL, an Oregon  
corporation; and ROBERT OKSENHOLT,  
D.O., an individual;

Defendants.

Case No. 6:11-cv-06143-TC

ORDER

On December 10, 2012, Magistrate Judge Thomas M. Coffin filed Findings and Recommendation [#53], in the above entitled case. Defendant has timely filed objections and thus, the matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make

a *de novo* determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Prior to Magistrate Judge Coffin's ruling, on December 6, 2012<sup>1</sup>, defendant executed a consent to jurisdiction by a Magistrate Judge. [#58-Ex.B]. Unfortunately the parties' consents were not docketed until December 28, 2012. [#55] Magistrate Judge Coffin therefore issued findings and a recommendation to this court. Future decisions will be made by Magistrate Judge Coffins in accordance with the parties' consents. However, in light of defendants' objections to Magistrate Judge Coffin's Findings and Recommendation, I have given *de novo* review of his rulings in this matter. I find no error.

Accordingly, I ADOPT Magistrate Judge Coffin's Findings and Recommendation [#53] filed December 10, 2012, in its entirety.

Defendants' Motion for Summary Judgment [#40] is denied.

IT IS SO ORDERED.

DATED this 23 day of January, 2013.

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Plaintiff's consent was executed the day before defendants' on December 5, 2012. [#58-Ex.A, p.2].